

AMENDED IN SENATE SEPTEMBER 11, 2013

AMENDED IN SENATE SEPTEMBER 3, 2013

AMENDED IN ASSEMBLY APRIL 29, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 539

Introduced by Assembly Member Pan

February 20, 2013

An act to amend Sections 11106, 29810, 29825, 29850, and 33870 of, and to add Section 29830 to, the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 539, as amended, Pan. Firearm possession: prohibitions: transfer to licensed dealer.

Existing law prohibits specified persons, including persons convicted of specified crimes, persons addicted to the use of any narcotic drug, certain probationers, and persons against whom specified restraining orders or injunctions apply, from possessing a firearm. Under existing law a violation of these provisions is justified if the person possessed the firearm no longer than was necessary to deliver or transport the firearm to a law enforcement agency for that agency's disposition according to law, if certain requirements are met. Existing law allows a firearm that is in the custody of a law enforcement agency to be sold or transferred to a licensed dealer if the law enforcement agency determines that the legal owner of the firearm is prohibited from possessing the firearm. Existing law requires that a person prohibited from possessing a firearm pursuant to certain provisions of law to be notified and provided with a form to facilitate the transfer of firearms. Existing law requires the Judicial Council to provide notice on all

protective orders that the respondent is prohibited from possessing a firearm while the protective order is in effect and that the firearm shall be relinquished to a local law enforcement agency or a licensed firearms dealer.

This bill would allow anyone who is prohibited from owning or possessing a firearm pursuant to the above provisions or any other provision of law to transfer any firearm or firearms in his or her possession, or of which he or she is the owner, to a licensed firearms dealer for the duration of the prohibition if the prohibition on owning or possessing the firearm will expire on a date specified in the court order. The bill would require a firearms dealer who stores a firearm under these circumstances to notify the Department of Justice of the date that the dealer has taken possession of the ~~firearm and the date that the owner has taken back possession of the firearm~~, *firearm*, and would also require the Attorney General to maintain a record of this information. The bill would make conforming changes to the above provisions. Because the bill would impose certain requirements on local agencies relating to the transfer of firearms to a licensed firearms dealer, the bill would impose a state-mandated local program.

This bill would incorporate additional changes to Section 11106 of the Penal Code, proposed by AB 500 and SB 53, that would become operative only if this bill and either or both of those bills are chaptered and become effective January 1, 2014, and this bill is chaptered last.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 11106 of the Penal Code, as added by
- 2 Section 2.5 of Chapter 745 of the Statutes of 2011, is amended to
- 3 read:
- 4 11106. (a) In order to assist in the investigation of crime, the
- 5 prosecution of civil actions by city attorneys pursuant to paragraph

(3) of subdivision (b), the arrest and prosecution of criminals, and the recovery of lost, stolen, or found property, the Attorney General shall keep and properly file a complete record of all copies of fingerprints, copies of licenses to carry firearms issued pursuant to Section 26150, 26155, 26170, or 26215, information reported to the Department of Justice pursuant to Section 26225 or 29830, dealers' records of sales of firearms, reports provided pursuant to Article 1 (commencing with Section 27500) of Chapter 4 of Division 6 of Title 4 of Part 6, or pursuant to any provision listed in subdivision (a) of Section 16585, forms provided pursuant to Section 12084, as that section read prior to being repealed, reports provided pursuant to Article 1 (commencing with Section 26700) and Article 2 (commencing with Section 26800) of Chapter 2 of Division 6 of Title 4 of Part 6, that are not dealers' records of sales of firearms, and reports of stolen, lost, found, pledged, or pawned property in any city or county of this state, and shall, upon proper application therefor, furnish this information to the officers referred to in Section 11105.

(b) (1) The Attorney General shall permanently keep and properly file and maintain all information reported to the Department of Justice pursuant to the following provisions as to firearms and maintain a registry thereof:

(A) Article 1 (commencing with Section 26700) and Article 2 (commencing with Section 26800) of Chapter 2 of Division 6 of Title 4 of Part 6.

(B) Article 1 (commencing with Section 27500) of Chapter 4 of Division 6 of Title 4 of Part 6.

(C) Chapter 5 (commencing with Section 28050) of Division 6 of Title 4 of Part 6.

(D) Any provision listed in subdivision (a) of Section 16585.

(E) Former Section 12084.

(F) Any other law.

(2) The registry shall consist of all of the following:

(A) The name, address, identification of, place of birth (state or country), complete telephone number, occupation, sex, description, and all legal names and aliases ever used by the owner or person being loaned the particular firearm as listed on the information provided to the department on the Dealers' Record of Sale, the Law Enforcement Firearms Transfer (LEFT), as defined in former Section 12084, or reports made to the department

1 pursuant to any provision listed in subdivision (a) of Section 16585
2 or any other law.

3 (B) The name and address of, and other information about, any
4 person (whether a dealer or a private party) from whom the owner
5 acquired or the person being loaned the particular firearm and
6 when the firearm was acquired or loaned as listed on the
7 information provided to the department on the Dealers' Record of
8 Sale, the LEFT, or reports made to the department pursuant to any
9 provision listed in subdivision (a) of Section 16585 or any other
10 law.

11 (C) Any waiting period exemption applicable to the transaction
12 which resulted in the owner of or the person being loaned the
13 particular firearm acquiring or being loaned that firearm.

14 (D) The manufacturer's name if stamped on the firearm, model
15 name or number if stamped on the firearm, and, if applicable, the
16 serial number, other number (if more than one serial number is
17 stamped on the firearm), caliber, type of firearm, if the firearm is
18 new or used, barrel length, and color of the firearm, or, if the
19 firearm is not a handgun and does not have a serial number or any
20 identification number or mark assigned to it, that shall be noted.

21 (3) Information in the registry referred to in this subdivision
22 shall, upon proper application therefor, be furnished to the officers
23 referred to in Section 11105, to a city attorney prosecuting a civil
24 action, solely for use in prosecuting that civil action and not for
25 any other purpose, or to the person listed in the registry as the
26 owner or person who is listed as being loaned the particular firearm.

27 (4) If any person is listed in the registry as the owner of a firearm
28 through a Dealers' Record of Sale prior to 1979, and the person
29 listed in the registry requests by letter that the Attorney General
30 store and keep the record electronically, as well as in the record's
31 existing photographic, photostatic, or nonerasable optically stored
32 form, the Attorney General shall do so within three working days
33 of receipt of the request. The Attorney General shall, in writing,
34 and as soon as practicable, notify the person requesting electronic
35 storage of the record that the request has been honored as required
36 by this paragraph.

37 (c) (1) Any officer referred to in paragraphs (1) to (6), inclusive,
38 of subdivision (b) of Section 11105 may disseminate the name of
39 the subject of the record, the number of the firearms listed in the
40 record, and the description of any firearm, including the make,

1 model, and caliber, from the record relating to any firearm's sale,
2 transfer, registration, or license record, or any information reported
3 to the Department of Justice pursuant to Section 26225, Article 1
4 (commencing with Section 26700) and Article 2 (commencing
5 with Section 26800) of Chapter 2 of Division 6 of Title 4 of Part
6 6, Article 1 (commencing with Section 27500) of Chapter 4 of
7 Division 6 of Title 4 of Part 6, Chapter 5 (commencing with
8 Section 28050) of Division 6 of Title 4 of Part 6, Article 2
9 (commencing with Section 28150) of Chapter 6 of Division 6 of
10 Title 4 of Part 6, Article 5 (commencing with Section 30900) of
11 Chapter 2 of Division 10 of Title 4 of Part 6, Chapter 2
12 (commencing with Section 33850) of Division 11 of Title 4 of Part
13 6, or any provision listed in subdivision (a) of Section 16585, if
14 the following conditions are met:

15 (A) The subject of the record has been arraigned for a crime in
16 which the victim is a person described in subdivisions (a) to (f),
17 inclusive, of Section 6211 of the Family Code and is being
18 prosecuted or is serving a sentence for the crime, or the subject of
19 the record is the subject of an emergency protective order, a
20 temporary restraining order, or an order after hearing, which is in
21 effect and has been issued by a family court under the Domestic
22 Violence Protection Act set forth in Division 10 (commencing
23 with Section 6200) of the Family Code.

24 (B) The information is disseminated only to the victim of the
25 crime or to the person who has obtained the emergency protective
26 order, the temporary restraining order, or the order after hearing
27 issued by the family court.

28 (C) Whenever a law enforcement officer disseminates the
29 information authorized by this subdivision, that officer or another
30 officer assigned to the case shall immediately provide the victim
31 of the crime with a "Victims of Domestic Violence" card, as
32 specified in subparagraph (H) of paragraph (9) of subdivision (c)
33 of Section 13701.

34 (2) The victim or person to whom information is disseminated
35 pursuant to this subdivision may disclose it as he or she deems
36 necessary to protect himself or herself or another person from
37 bodily harm by the person who is the subject of the record.

38 SEC. 1.3. Section 11106 of the Penal Code, as added by Section
39 2.5 of Chapter 745 of the Statutes of 2011, is amended to read:

11106. (a) In order to assist in the investigation of crime, the prosecution of civil actions by city attorneys pursuant to paragraph (3) of subdivision (b), the arrest and prosecution of criminals, and the recovery of lost, stolen, or found property, the Attorney General shall keep and properly file a complete record of all copies of fingerprints, copies of licenses to carry firearms issued pursuant to Section 26150, 26155, 26170, or 26215, information reported to the Department of Justice pursuant to Section 26225 or 29830, dealers' records of sales of firearms, reports provided pursuant to Article 1 (commencing with Section 27500) of Chapter 4 of Division 6 of Title 4 of Part 6, or pursuant to any provision listed in subdivision (a) of Section 16585, forms provided pursuant to Section 12084, as that section read prior to being repealed, reports provided pursuant to Article 1 (commencing with Section 26700) and Article 2 (commencing with Section 26800) of Chapter 2 of Division 6 of Title 4 of Part 6, that are not dealers' records of sales of firearms, information provided pursuant to Section 28255, and reports of stolen, lost, found, pledged, or pawned property in any city or county of this state, and shall, upon proper application therefor, furnish this information to the officers referred to in Section 11105.

(b) (1) The Attorney General shall permanently keep and properly file and maintain all information reported to the Department of Justice pursuant to the following provisions as to firearms and maintain a registry thereof:

(A) Article 1 (commencing with Section 26700) and Article 2 (commencing with Section 26800) of Chapter 2 of Division 6 of Title 4 of Part 6.

(B) Article 1 (commencing with Section 27500) of Chapter 4 of Division 6 of Title 4 of Part 6.

(C) Chapter 5 (commencing with Section 28050) of Division 6 of Title 4 of Part 6.

(D) Any provision listed in subdivision (a) of Section 16585.

(E) Former Section 12084.

(F) Section 28255.

(G) Any other law.

(2) The registry shall consist of all of the following:

(A) The name, address, identification of, place of birth (state or country), complete telephone number, occupation, sex, description, and all legal names and aliases ever used by the owner

1 or person being loaned the particular firearm as listed on the
2 information provided to the department on the Dealers' Record of
3 Sale, the Law Enforcement Firearms Transfer (LEFT), as defined
4 in former Section 12084, or reports made to the department
5 pursuant to any provision listed in subdivision (a) of Section 16585,
6 Section 28255, or any other law.

7 (B) The name and address of, and other information about, any
8 person (whether a dealer or a private party) from whom the owner
9 acquired or the person being loaned the particular firearm and
10 when the firearm was acquired or loaned as listed on the
11 information provided to the department on the Dealers' Record of
12 Sale, the LEFT, or reports made to the department pursuant to any
13 provision listed in subdivision (a) of Section 16585 or any other
14 law.

15 (C) Any waiting period exemption applicable to the transaction
16 which resulted in the owner of or the person being loaned the
17 particular firearm acquiring or being loaned that firearm.

18 (D) The manufacturer's name if stamped on the firearm, model
19 name or number if stamped on the firearm, and, if applicable, the
20 serial number, other number (if more than one serial number is
21 stamped on the firearm), caliber, type of firearm, if the firearm is
22 new or used, barrel length, and color of the firearm, or, if the
23 firearm is not a handgun and does not have a serial number or any
24 identification number or mark assigned to it, that shall be noted.

25 (3) Information in the registry referred to in this subdivision
26 shall, upon proper application therefor, be furnished to the officers
27 referred to in Section 11105, to a city attorney prosecuting a civil
28 action, solely for use in prosecuting that civil action and not for
29 any other purpose, or to the person listed in the registry as the
30 owner or person who is listed as being loaned the particular firearm.

31 (4) If any person is listed in the registry as the owner of a firearm
32 through a Dealers' Record of Sale prior to 1979, and the person
33 listed in the registry requests by letter that the Attorney General
34 store and keep the record electronically, as well as in the record's
35 existing photographic, photostatic, or nonerasable optically stored
36 form, the Attorney General shall do so within three working days
37 of receipt of the request. The Attorney General shall, in writing,
38 and as soon as practicable, notify the person requesting electronic
39 storage of the record that the request has been honored as required
40 by this paragraph.

(c) (1) Any officer referred to in paragraphs (1) to (6), inclusive, of subdivision (b) of Section 11105 may disseminate the name of the subject of the record, the number of the firearms listed in the record, and the description of any firearm, including the make, model, and caliber, from the record relating to any firearm's sale, transfer, registration, or license record, or any information reported to the Department of Justice pursuant to Section 26225, Article 1 (commencing with Section 26700) and Article 2 (commencing with Section 26800) of Chapter 2 of Division 6 of Title 4 of Part 6, Article 1 (commencing with Section 27500) of Chapter 4 of Division 6 of Title 4 of Part 6, Chapter 5 (commencing with Section 28050) of Division 6 of Title 4 of Part 6, Article 2 (commencing with Section 28150) of Chapter 6 of Division 6 of Title 4 of Part 6, Article 5 (commencing with Section 30900) of Chapter 2 of Division 10 of Title 4 of Part 6, Chapter 2 (commencing with Section 33850) of Division 11 of Title 4 of Part 6, or any provision listed in subdivision (a) of Section 16585, if the following conditions are met:

(A) The subject of the record has been arraigned for a crime in which the victim is a person described in subdivisions (a) to (f), inclusive, of Section 6211 of the Family Code and is being prosecuted or is serving a sentence for the crime, or the subject of the record is the subject of an emergency protective order, a temporary restraining order, or an order after hearing, which is in effect and has been issued by a family court under the Domestic Violence Protection Act set forth in Division 10 (commencing with Section 6200) of the Family Code.

(B) The information is disseminated only to the victim of the crime or to the person who has obtained the emergency protective order, the temporary restraining order, or the order after hearing issued by the family court.

(C) Whenever a law enforcement officer disseminates the information authorized by this subdivision, that officer or another officer assigned to the case shall immediately provide the victim of the crime with a "Victims of Domestic Violence" card, as specified in subparagraph (H) of paragraph (9) of subdivision (c) of Section 13701.

(2) The victim or person to whom information is disseminated pursuant to this subdivision may disclose it as he or she deems

1 necessary to protect himself or herself or another person from
2 bodily harm by the person who is the subject of the record.

3 SEC. 1.5. Section 11106 of the Penal Code, as added by Section
4 2.5 of Chapter 745 of the Statutes of 2011, is amended to read:

5 11106. (a) In order to assist in the investigation of crime, the
6 prosecution of civil actions by city attorneys pursuant to paragraph
7 (3) of subdivision (b), the arrest and prosecution of criminals, and
8 the recovery of lost, stolen, or found property, the Attorney General
9 shall keep and properly file a complete record of all copies of
10 fingerprints, copies of licenses to carry firearms issued pursuant
11 to Section 26150, 26155, 26170, or 26215, information reported
12 to the Department of Justice pursuant to Section 26225 or 29830,
13 copies of ammunition purchaser authorizations pursuant to Section
14 30370, ammunition vendor license information pursuant to Article
15 5 (commencing with Section 30380) of Chapter 1 of Division 10
16 of Title 4 of Part 6, information required by Section 30352, dealers'
17 records of sales of firearms, reports provided pursuant to Article
18 1 (commencing with Section 27500) of Chapter 4 of Division 6
19 of Title 4 of Part 6, or pursuant to any provision listed in
20 subdivision (a) of Section 16585, forms provided pursuant to
21 Section 12084, as that section read prior to being repealed, reports
22 provided pursuant to Article 1 (commencing with Section 26700)
23 and Article 2 (commencing with Section 26800) of Chapter 2 of
24 Division 6 of Title 4 of Part 6, that are not dealers' records of sales
25 of firearms, and reports of stolen, lost, found, pledged, or pawned
26 property in any city or county of this state, and shall, upon proper
27 application therefor, furnish this information to the officers referred
28 to in Section 11105.

29 (b) (1) The Attorney General shall permanently keep and
30 properly file and maintain all information reported to the
31 Department of Justice pursuant to the following provisions as to
32 firearms and maintain a registry thereof:

33 (A) Article 1 (commencing with Section 26700) and Article 2
34 (commencing with Section 26800) of Chapter 2 of Division 6 of
35 Title 4 of Part 6.

36 (B) Article 1 (commencing with Section 27500) of Chapter 4
37 of Division 6 of Title 4 of Part 6.

38 (C) Chapter 5 (commencing with Section 28050) of Division 6
39 of Title 4 of Part 6.

40 (D) Any provision listed in subdivision (a) of Section 16585.

1 (E) Former Section 12084.

2 (F) Any other law.

3 (2) The registry shall consist of all of the following:

4 (A) The name, address, identification of, place of birth (state
5 or country), complete telephone number, occupation, sex,
6 description, and all legal names and aliases ever used by the owner
7 or person being loaned the particular firearm as listed on the
8 information provided to the department on the Dealers' Record of
9 Sale, the Law Enforcement Firearms Transfer (LEFT), as defined
10 in former Section 12084, or reports made to the department
11 pursuant to any provision listed in subdivision (a) of Section 16585
12 or any other law.

13 (B) The name and address of, and other information about, any
14 person (whether a dealer or a private party) from whom the owner
15 acquired or the person being loaned the particular firearm and
16 when the firearm was acquired or loaned as listed on the
17 information provided to the department on the Dealers' Record of
18 Sale, the LEFT, or reports made to the department pursuant to any
19 provision listed in subdivision (a) of Section 16585 or any other
20 law.

21 (C) Any waiting period exemption applicable to the transaction
22 which resulted in the owner of or the person being loaned the
23 particular firearm acquiring or being loaned that firearm.

24 (D) The manufacturer's name if stamped on the firearm, model
25 name or number if stamped on the firearm, and, if applicable, the
26 serial number, other number (if more than one serial number is
27 stamped on the firearm), caliber, type of firearm, if the firearm is
28 new or used, barrel length, and color of the firearm, or, if the
29 firearm is not a handgun and does not have a serial number or any
30 identification number or mark assigned to it, that shall be noted.

31 (3) Information in the registry referred to in this subdivision
32 shall, upon proper application therefor, be furnished to the officers
33 referred to in Section 11105, to a city attorney prosecuting a civil
34 action, solely for use in prosecuting that civil action and not for
35 any other purpose, or to the person listed in the registry as the
36 owner or person who is listed as being loaned the particular firearm.

37 (4) If any person is listed in the registry as the owner of a firearm
38 through a Dealers' Record of Sale prior to 1979, and the person
39 listed in the registry requests by letter that the Attorney General
40 store and keep the record electronically, as well as in the record's

1 existing photographic, photostatic, or nonerasable optically stored
2 form, the Attorney General shall do so within three working days
3 of receipt of the request. The Attorney General shall, in writing,
4 and as soon as practicable, notify the person requesting electronic
5 storage of the record that the request has been honored as required
6 by this paragraph.

7 (c) (1) Any officer referred to in paragraphs (1) to (6), inclusive,
8 of subdivision (b) of Section 11105 may disseminate the name of
9 the subject of the record, the number of the firearms listed in the
10 record, and the description of any firearm, including the make,
11 model, and caliber, from the record relating to any firearm's sale,
12 transfer, registration, or license record, or any information reported
13 to the Department of Justice pursuant to Section 26225, Article 1
14 (commencing with Section 26700) and Article 2 (commencing
15 with Section 26800) of Chapter 2 of Division 6 of Title 4 of Part
16 6, Article 1 (commencing with Section 27500) of Chapter 4 of
17 Division 6 of Title 4 of Part 6, Chapter 5 (commencing with
18 Section 28050) of Division 6 of Title 4 of Part 6, Article 2
19 (commencing with Section 28150) of Chapter 6 of Division 6 of
20 Title 4 of Part 6, Article 5 (commencing with Section 30900) of
21 Chapter 2 of Division 10 of Title 4 of Part 6, Chapter 2
22 (commencing with Section 33850) of Division 11 of Title 4 of Part
23 6, or any provision listed in subdivision (a) of Section 16585, if
24 the following conditions are met:

25 (A) The subject of the record has been arraigned for a crime in
26 which the victim is a person described in subdivisions (a) to (f),
27 inclusive, of Section 6211 of the Family Code and is being
28 prosecuted or is serving a sentence for the crime, or the subject of
29 the record is the subject of an emergency protective order, a
30 temporary restraining order, or an order after hearing, which is in
31 effect and has been issued by a family court under the Domestic
32 Violence Protection Act set forth in Division 10 (commencing
33 with Section 6200) of the Family Code.

34 (B) The information is disseminated only to the victim of the
35 crime or to the person who has obtained the emergency protective
36 order, the temporary restraining order, or the order after hearing
37 issued by the family court.

38 (C) Whenever a law enforcement officer disseminates the
39 information authorized by this subdivision, that officer or another
40 officer assigned to the case shall immediately provide the victim

1 of the crime with a “Victims of Domestic Violence” card, as
2 specified in subparagraph (H) of paragraph (9) of subdivision (c)
3 of Section 13701.

4 (2) The victim or person to whom information is disseminated
5 pursuant to this subdivision may disclose it as he or she deems
6 necessary to protect himself or herself or another person from
7 bodily harm by the person who is the subject of the record.

8 SEC. 1.7. Section 11106 of the Penal Code, as added by Section
9 2.5 of Chapter 745 of the Statutes of 2011, is amended to read:

10 11106. (a) In order to assist in the investigation of crime, the
11 prosecution of civil actions by city attorneys pursuant to paragraph
12 (3) of subdivision (b), the arrest and prosecution of criminals, and
13 the recovery of lost, stolen, or found property, the Attorney General
14 shall keep and properly file a complete record of all copies of
15 fingerprints, copies of licenses to carry firearms issued pursuant
16 to Section 26150, 26155, 26170, or 26215, information reported
17 to the Department of Justice pursuant to Section 26225 or 29830,
18 copies of ammunition purchaser authorizations pursuant to Section
19 30370, ammunition vendor license information pursuant to Article
20 5 (commencing with Section 30380) of Chapter 1 of Division 10
21 of Title 4 of Part 6, information required by Section 30352, dealers’
22 records of sales of firearms, reports provided pursuant to Article
23 1 (commencing with Section 27500) of Chapter 4 of Division 6
24 of Title 4 of Part 6, or pursuant to any provision listed in
25 subdivision (a) of Section 16585, forms provided pursuant to
26 Section 12084, as that section read prior to being repealed, reports
27 provided pursuant to Article 1 (commencing with Section 26700)
28 and Article 2 (commencing with Section 26800) of Chapter 2 of
29 Division 6 of Title 4 of Part 6, that are not dealers’ records of sales
30 of firearms, information provided pursuant to Section 28255, and
31 reports of stolen, lost, found, pledged, or pawned property in any
32 city or county of this state, and shall, upon proper application
33 therefor, furnish this information to the officers referred to in
34 Section 11105.

35 (b) (1) The Attorney General shall permanently keep and
36 properly file and maintain all information reported to the
37 Department of Justice pursuant to the following provisions as to
38 firearms and maintain a registry thereof:

1 (A) Article 1 (commencing with Section 26700) and Article 2
2 (commencing with Section 26800) of Chapter 2 of Division 6 of
3 Title 4 of Part 6.

4 (B) Article 1 (commencing with Section 27500) of Chapter 4
5 of Division 6 of Title 4 of Part 6.

6 (C) Chapter 5 (commencing with Section 28050) of Division 6
7 of Title 4 of Part 6.

8 (D) Any provision listed in subdivision (a) of Section 16585.

9 (E) Former Section 12084.

10 (F) Section 28255.

11 (G) Any other law.

12 (2) The registry shall consist of all of the following:

13 (A) The name, address, identification of, place of birth (state
14 or country), complete telephone number, occupation, sex,
15 description, and all legal names and aliases ever used by the owner
16 or person being loaned the particular firearm as listed on the
17 information provided to the department on the Dealers' Record of
18 Sale, the Law Enforcement Firearms Transfer (LEFT), as defined
19 in former Section 12084, or reports made to the department
20 pursuant to any provision listed in subdivision (a) of Section 16585,
21 Section 28255, or any other law.

22 (B) The name and address of, and other information about, any
23 person (whether a dealer or a private party) from whom the owner
24 acquired or the person being loaned the particular firearm and
25 when the firearm was acquired or loaned as listed on the
26 information provided to the department on the Dealers' Record of
27 Sale, the LEFT, or reports made to the department pursuant to any
28 provision listed in subdivision (a) of Section 16585 or any other
29 law.

30 (C) Any waiting period exemption applicable to the transaction
31 which resulted in the owner of or the person being loaned the
32 particular firearm acquiring or being loaned that firearm.

33 (D) The manufacturer's name if stamped on the firearm, model
34 name or number if stamped on the firearm, and, if applicable, the
35 serial number, other number (if more than one serial number is
36 stamped on the firearm), caliber, type of firearm, if the firearm is
37 new or used, barrel length, and color of the firearm, or, if the
38 firearm is not a handgun and does not have a serial number or any
39 identification number or mark assigned to it, that shall be noted.

(3) Information in the registry referred to in this subdivision shall, upon proper application therefor, be furnished to the officers referred to in Section 11105, to a city attorney prosecuting a civil action, solely for use in prosecuting that civil action and not for any other purpose, or to the person listed in the registry as the owner or person who is listed as being loaned the particular firearm.

(4) If any person is listed in the registry as the owner of a firearm through a Dealers' Record of Sale prior to 1979, and the person listed in the registry requests by letter that the Attorney General store and keep the record electronically, as well as in the record's existing photographic, photostatic, or nonerasable optically stored form, the Attorney General shall do so within three working days of receipt of the request. The Attorney General shall, in writing, and as soon as practicable, notify the person requesting electronic storage of the record that the request has been honored as required by this paragraph.

(c) (1) Any officer referred to in paragraphs (1) to (6), inclusive, of subdivision (b) of Section 11105 may disseminate the name of the subject of the record, the number of the firearms listed in the record, and the description of any firearm, including the make, model, and caliber, from the record relating to any firearm's sale, transfer, registration, or license record, or any information reported to the Department of Justice pursuant to Section 26225, Article 1 (commencing with Section 26700) and Article 2 (commencing with Section 26800) of Chapter 2 of Division 6 of Title 4 of Part 6, Article 1 (commencing with Section 27500) of Chapter 4 of Division 6 of Title 4 of Part 6, Chapter 5 (commencing with Section 28050) of Division 6 of Title 4 of Part 6, Article 2 (commencing with Section 28150) of Chapter 6 of Division 6 of Title 4 of Part 6, Article 5 (commencing with Section 30900) of Chapter 2 of Division 10 of Title 4 of Part 6, Chapter 2 (commencing with Section 33850) of Division 11 of Title 4 of Part 6, or any provision listed in subdivision (a) of Section 16585, if the following conditions are met:

(A) The subject of the record has been arraigned for a crime in which the victim is a person described in subdivisions (a) to (f), inclusive, of Section 6211 of the Family Code and is being prosecuted or is serving a sentence for the crime, or the subject of the record is the subject of an emergency protective order, a temporary restraining order, or an order after hearing, which is in

1 effect and has been issued by a family court under the Domestic
2 Violence Protection Act set forth in Division 10 (commencing
3 with Section 6200) of the Family Code.

4 (B) The information is disseminated only to the victim of the
5 crime or to the person who has obtained the emergency protective
6 order, the temporary restraining order, or the order after hearing
7 issued by the family court.

8 (C) Whenever a law enforcement officer disseminates the
9 information authorized by this subdivision, that officer or another
10 officer assigned to the case shall immediately provide the victim
11 of the crime with a "Victims of Domestic Violence" card, as
12 specified in subparagraph (H) of paragraph (9) of subdivision (c)
13 of Section 13701.

14 (2) The victim or person to whom information is disseminated
15 pursuant to this subdivision may disclose it as he or she deems
16 necessary to protect himself or herself or another person from
17 bodily harm by the person who is the subject of the record.

18 SEC. 2. Section 29810 of the Penal Code is amended to read:

19 29810. (a) For any person who is subject to Section 29800 or
20 29805, the court shall, at the time judgment is imposed, provide
21 on a form supplied by the Department of Justice, a notice to the
22 defendant prohibited by this chapter from owning, purchasing,
23 receiving, possessing, or having under custody or control, any
24 firearm. The notice shall inform the defendant of the prohibition
25 regarding firearms and include a form to facilitate the transfer of
26 firearms. If the prohibition on owning or possessing a firearm will
27 expire on a date specified in the court order, the form shall inform
28 the defendant that he or she may elect to have his or her firearm
29 transferred to a firearms dealer licensed pursuant to Section 29830.

30 (b) Failure to provide the notice described in subdivision (a) is
31 not a defense to a violation of this chapter.

32 SEC. 3. Section 29825 of the Penal Code is amended to read:

33 29825. (a) Every person who purchases or receives, or attempts
34 to purchase or receive, a firearm knowing that the person is
35 prohibited from doing so by a temporary restraining order or
36 injunction issued pursuant to Section 527.6, 527.8, or 527.85 of
37 the Code of Civil Procedure, a protective order as defined in
38 Section 6218 of the Family Code, a protective order issued pursuant
39 to Section 136.2 or 646.91 of this code, or a protective order issued
40 pursuant to Section 15657.03 of the Welfare and Institutions Code,

1 is guilty of a public offense, which shall be punishable by
2 imprisonment in a county jail not exceeding one year or in the
3 state prison, by a fine not exceeding one thousand dollars (\$1,000),
4 or by both that imprisonment and fine.

5 (b) Every person who owns or possesses a firearm knowing that
6 the person is prohibited from doing so by a temporary restraining
7 order or injunction issued pursuant to Section 527.6, 527.8, or
8 527.85 of the Code of Civil Procedure, a protective order as defined
9 in Section 6218 of the Family Code, a protective order issued
10 pursuant to Section 136.2 or 646.91 of this code, or a protective
11 order issued pursuant to Section 15657.03 of the Welfare and
12 Institutions Code, is guilty of a public offense, which shall be
13 punishable by imprisonment in a county jail not exceeding one
14 year, by a fine not exceeding one thousand dollars (\$1,000), or by
15 both that imprisonment and fine.

16 (c) If probation is granted upon conviction of a violation of this
17 section, the court shall impose probation consistent with Section
18 1203.097.

19 (d) The Judicial Council shall provide notice on all protective
20 orders that the respondent is prohibited from owning, possessing,
21 purchasing, receiving, or attempting to purchase or receive a
22 firearm while the protective order is in effect. The order shall also
23 state that a firearm owned or possessed by the person shall be
24 relinquished to the local law enforcement agency for that
25 jurisdiction, sold to a licensed firearms dealer, or transferred to a
26 licensed firearms dealer pursuant to Section 29830 for the duration
27 of the period that the protective order is in effect, and that proof
28 of surrender or sale shall be filed within a specified time of receipt
29 of the order. The order shall state the penalties for a violation of
30 the prohibition. The order shall also state on its face the expiration
31 date for relinquishment.

32 SEC. 4. Section 29830 is added to the Penal Code, to read:

33 29830. (a) Any person who is prohibited from owning or
34 possessing a firearm pursuant to this article, or who is prohibited
35 from owning or possessing a firearm pursuant to any other law,
36 may transfer or cause to be transferred, any firearm or firearms in
37 his or her possession, or of which he or she is the owner, to a
38 firearms dealer licensed pursuant to Section 26700 to 26915,
39 inclusive, for storage during the duration of the prohibition, if the

1 prohibition on owning or possessing the firearm will expire on a
2 date specified in the court order.

3 (b) A firearms dealer who stores a firearm or firearms pursuant
4 to subdivision (a), may charge the owner a fee for the storage of
5 the firearm or firearms.

6 (c) A firearms dealer who stores a firearm or firearms pursuant
7 to subdivision (a) shall notify the Department of Justice of the date
8 that the firearms dealer has taken possession of the firearm or
9 ~~firearms and the date that the owner has taken back possession of~~
10 ~~the firearm or firearms.~~ *firearms.*

11 (d) *Any firearm that is returned by a dealer to the owner of the*
12 *firearm pursuant to this section shall be returned in accordance*
13 *with the procedures set forth in Section 27540 and Article 1*
14 *(commencing with Section 26700) and Article 2 (commencing with*
15 *Section 26800) of Chapter 2 of Division 6.*

16 SEC. 5. Section 29850 of the Penal Code is amended to read:

17 29850. (a) A violation of Section 29800, 29805, 29815, or
18 29820 is justifiable where all of the following conditions are met:

19 (1) The person found the firearm or took the firearm from a
20 person who was committing a crime against the person who found
21 or took the firearm.

22 (2) The person possessed the firearm no longer than was
23 necessary to deliver or transport the firearm to a law enforcement
24 agency for that agency's disposition according to law or to a
25 licensed firearms dealer for transfer or for storage pursuant to
26 Section 29830.

27 (3) If the firearm was transported to a law enforcement agency
28 or to a licensed firearms dealer, it was transported in accordance
29 with subdivision (b) of Section 25570.

30 (4) If the firearm is being transported to a law enforcement
31 agency or to a licensed firearms dealer, the person transporting
32 the firearm has given prior notice to the law enforcement agency
33 or to the licensed firearms dealer that the person is transporting
34 the firearm to the law enforcement agency or the licensed firearms
35 dealer for disposition according to law.

36 (b) Upon the trial for violating Section 29800, 29805, 29815,
37 or 29820, the trier of fact shall determine whether the defendant
38 was acting within the provisions of the exemption created by this
39 section.

1 (c) The defendant has the burden of proving by a preponderance
2 of the evidence that the defendant comes within the provisions of
3 the exemption created by this section.

4 SEC. 6. Section 33870 of the Penal Code is amended to read:

5 33870. (a) If a law enforcement agency determines that the
6 applicant is the legal owner of any firearm deposited with the
7 agency, that the applicant is prohibited from possessing any
8 firearm, and that the firearm is an otherwise legal firearm, the
9 applicant shall be entitled to sell or transfer the firearm to a licensed
10 firearms dealer. If a law enforcement agency determines that the
11 applicant is prohibited from owning or possessing any firearm and
12 the prohibition on owning or possessing the firearm will expire on
13 a date specified in the court order, the applicant shall be entitled
14 to have the firearm stored by a licensed firearms dealer for the
15 duration of the prohibition period pursuant to Section 29830.

16 (b) If the firearm has been lost or stolen, the firearm shall be
17 restored to the lawful owner pursuant to Section 11108.5 upon the
18 owner's identification of the firearm, proof of ownership, and proof
19 of eligibility to possess a firearm pursuant to Section 33865.

20 (c) This section does not prevent the local law enforcement
21 agency from charging the rightful owner of the firearm the fees
22 described in Section 33880.

23 SEC. 7. (a) Section 1.3 of this bill incorporates amendments
24 to Section 11106 of the Penal Code proposed by both this bill and
25 Assembly Bill 500. It shall only become operative if (1) both bills
26 are enacted and become effective on or before January 1, 2014,
27 (2) each bill amends Section 11106 of the Penal Code, and (3)
28 Senate Bill 53 is not enacted or as enacted does not amend Section
29 11106, and (4) this bill is enacted after Assembly Bill 500, in which
30 case Sections 1, 1.5, and 1.7 of this bill shall not become operative.

31 (b) Section 1.5 of this bill incorporates amendments to Section
32 11106 of the Penal Code proposed by both this bill and Senate Bill
33 53. It shall only become operative if (1) both bills are enacted and
34 become effective on or before January 1, 2014, (2) each bill amends
35 Section 11106 of the Penal Code, (3) Assembly Bill 500 is not
36 enacted or as enacted does not amend Section 11106, and (4) this
37 bill is enacted after Senate Bill 53 in which case Sections 1, 1.3,
38 and 1.7 of this bill shall not become operative.

39 (c) Section 1.7 of this bill incorporates amendments to Section
40 11106 of the Penal Code proposed by this bill, Assembly Bill 500,

1 and Senate Bill 53. It shall only become operative if (1) all three
2 bills are enacted and become effective on or before January 1,
3 2014, (2) all three bills amend Section 11106 of the Penal Code,
4 and (3) this bill is enacted after Assembly Bill 500 and Senate Bill
5 53, in which case Sections 1, 1.3, and 1.5 of this bill shall not
6 become operative.

7 SEC. 8. If the Commission on State Mandates determines that
8 this act contains costs mandated by the state, reimbursement to
9 local agencies and school districts for those costs shall be made
10 pursuant to Part 7 (commencing with Section 17500) of Division
11 4 of Title 2 of the Government Code.

O